

# Order

Michigan Supreme Court  
Lansing, Michigan

October 19, 2005

Clifford W. Taylor,  
Chief Justice

128452 & (17)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 128452  
COA: 259102  
Oakland CC: 03-190552-FH

MICHAEL A. LEWANDOWSKI,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the February 22, 2005 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motion for appointment of appellate counsel in this Court is also considered, and it is DENIED because defendant is not entitled to appointed counsel in a second-tier appeal. *Ross v Moffitt*, 417 US 600, 610-612, 615-618; 94 S Ct 2437, 2443-2444, 2446-2447; 41 L Ed 2d 341, 354-357 (1974); *Halbert v Michigan*, 545 US \_\_ ; 125 S Ct 2582, 2587-2588, 2590 & n 2, 2592; 162 L Ed 2d 552, 560-562, 564 & n 2, 565-566 (2005).

CAVANAGH and KELLY, JJ., would deny leave to appeal without the further statement found in the majority's order.



s1012

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 19, 2005

*Corbin R. Davis*

Clerk